IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5361 OF 2005
IN
CRIMINAL APPEAL NO. 320 OF 2005

Harvinder @ Kuku Sadhusing Bedi ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. P.M. Pradhan, Advocate for Applicant
Mr. B.H. Mehta, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 8TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Section 308 of I.P.C. and sentenced to imprisonment of five years. It is the prosecution case that P.W.1 police constable Mr. Agre was on duty of Nakabandi. He asked the vehicle which was driven by the applicant to stop, however, the applicant did not stop the vehicle and in fact the vehicle brushed the legs of P.W.1 and on account of this he sustained fracture above his ankle. Thus, it is the case of the prosecution that due to the act of the applicant P.W.1 sustained fracture above his ankle.

3. Mr. Pradhan, the learned counsel for the applicant has submitted that the applicant has been falsely implicated in the said case and in fact P.W.1 sustained injuries on account of road accident. In support of this contention Mr. Pradhan has pointed out that the P.W.1 was taken to Sion hospital. P.W.4 Dr. Amol Vaidya examined P.W.1. Dr. Amol Vaidya has stated that P.W.1 was taken in the hospital on account of road accident. He has pointed out that P.W.1 has not stated history to Doctor that the applicant gave dash to him while he was on duty and thus caused him injury. It is an admitted fact that the applicant was known to P.W.1 prior to the incident. Thus, had the applicant indeed given dash to P.W.1 this fact would have been stated by P.W.1 in the history given to Doctor. On perusal of the evidence specially of P.W.4 Dr. Vaidya, I find much merit in this submission, hence, I am inclined to grant bail to the applicant.

4. The applicant Harvinder @ Kuku Sadhusing Bedi to be released on bail in the sum of Rs.30,000/- with one or two sureties to make the said amount. The applicant shall report on every Sunday to Matunga police station, during the pendency of this appeal.

5. Application is disposed of.

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